

HOUSE BILL REPORT

SSB 6548

As Reported by House Committee On:
Human Services

Title: An act relating to controlling computer access by residents at the special commitment center and persons released to less restrictive alternatives.

Brief Description: Controlling computer access by residents at the special commitment center and persons released to less restrictive alternatives.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senator Carrell).

Brief History:

Committee Activity:

Human Services: 2/28/08 [DP].

Brief Summary of Substitute Bill

- Prohibits a sexually violent predator from accessing a personal computer and the Internet, unless part of the sexually violent predator's treatment plan.

HOUSE COMMITTEE ON HUMAN SERVICES

Majority Report: Do pass. Signed by 7 members: Representatives Dickerson, Chair; Ahern, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Bailey, Darneille, McCoy and O'Brien.

Minority Report: Without recommendation. Signed by 1 member: Representative Roberts, Vice Chair.

Staff: Jim Morishima (786-7191).

Background:

The Community Protection Act of 1990 allows a sexually violent predator to be civilly committed. A sexually violent predator is defined as a person who:

- has been convicted of, found not guilty by reason of insanity of, or found to be incompetent to stand trial for, a crime of sexual violence; and

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- suffers from a mental abnormality or personality disorder that makes the person likely to engage in predatory acts of sexual violence if not confined to a secure facility.

Sexually violent predators are committed to the custody of the Department of Social and Health Services (DSHS) for control, care, and individualized treatment. Most sexually violent predators are currently housed at the Special Commitment Center (SCC) on McNeil Island.

A sexually violent predator who has been civilly committed is entitled to an annual review of his or her condition. As part of this evaluation, a court may order the person to be conditionally released to a less restrictive alternative (LRA). An LRA placement is only authorized if it is in the best interests of the person and adequate safeguards can be put in place to protect the community.

In 2001 the Legislature authorized the DSHS to operate a type of LRA known as a Secure Community Transition Facility (SCTF) from which sexually violent predators may seek treatment and employment in the community. The Legislature specified a variety of security measures for each SCTF the DSHS operates, including continuous electronic monitoring, minimum staff-to-resident ratios, and escorts for all SCTF residents in the community. The DSHS is currently operating two SCTFs, one on McNeil Island (near the SCC) and one in south Seattle.

The DSHS has imposed a variety of restrictions on residents of the SCC and the two SCTFs with respect to computer usage. For example, the residents may only purchase one type of computer, which has been approved by the DSHS. The computer is not capable of reading thumbnail drives and is only capable of reading (not writing) compact discs. The computer does not have wireless Internet access or a modem, which means that the residents are not capable of accessing the Internet while in the SCC or SCTF.

A resident of an SCTF may access the Internet while outside of the SCTF for limited purposes (e.g., job searches), as long as the access is approved by his or her transition team. A resident who accesses the Internet while outside of an SCTF will have his or her Internet activities monitored at all times.

Summary of Bill:

A sexually violent predator in the SCC may not access a personal computer unless the person's individualized treatment plan states that access to a computer is necessary to bring about a positive response to a specific and certain phase or course of treatment. Similarly, a sexually violent predator in a LRA may not access a personal computer and access the Internet unless the person's individualized treatment plan states that access to a computer is necessary to bring about a positive response to a specific and certain phase or course of treatment.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) Despite the safeguards that are in place, residents of the SCC are still obtaining pornography. The SCC is a complex environment and policing illicit pornography is a difficult problem. Residents of the SCC have greater access to computers than residents of similar programs in other states. Access to legal or illegal pornography can undermine residents' treatment programs. This bill prohibits residents from accessing a computer until they are programmatically ready for such access.

(Opposed) This bill is not the correct solution to this problem. Residents of the SCC currently do not have access to the Internet and most use their computers for legitimate purposes. This bill may present constitutional issues. It also may impede a resident's ability to mount a legal defense. Residents need computer skills to aid their successful re-entry into the community.

Persons Testifying: (In support) Senator Carrell, prime sponsor; and Dr. Henry Richards, Special Commitment Center, Department of Social and Health Services.

(Opposed) Pete MacDonald, Washington Defender Association and Washington Association of Criminal Defense Lawyers.

Persons Signed In To Testify But Not Testifying: None.